

**Assembly Bill No. 771**

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Passed the Assembly September 8, 2005

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*Chief Clerk of the Assembly*

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Passed the Senate August 31, 2005

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 30324 of the Public Resources Code, relating to coastal resources.

## LEGISLATIVE COUNSEL'S DIGEST

AB 771, Saldana. Coastal resources: California Coastal Commission: ex parte communications.

The California Coastal Act of 1976 prohibits a member of the California Coastal Commission and an interested person from conducting an ex parte communication, unless the member fully discloses and makes public the ex parte communication by providing a full report of the communication to the executive director within 7 days after the communication or, if the communication occurs within 7 days before the next commission hearing, to the commission on the record of the proceeding at that hearing.

This bill would instead require that a complete, comprehensive electronic report of the communication be made to the executive director within 3 days after the communication. The bill would require, if the communication occurs at the commission hearing or within 3 days before the hearing, at which the item will be heard, that the content of the communication be orally disclosed in full on the record of the proceeding at the beginning of the public hearing on that item.

This bill would require a member to provide, to the executive director within 3 days after the close of a hearing, a full electronic report on an ex parte communication received at the hearing or within 3 days before the hearing, as provided. The bill would require the commission to develop a standard disclosure form for reporting ex parte communications, containing specified information.

This bill would require the commission, by October 1, 2006, to develop and adopt a guidance policy for commissioners with regard to the complete description of the content of an ex parte communication that must be disclosed. The bill would require the executive director of the commission to place in the public record all reports of ex parte communications, including all completed disclosure forms, as addenda to the electronic and hard copy staff

reports for agenda items concerning which ex parte communications took place, and to provide appropriate links to the disclosure forms, as specified.

This bill would require the commission, not later than January 1, 2007, to ensure that all staff reports and addenda prepared for public hearings linked to the applicable agenda items be posted on the commission's Internet Web site in advance of the hearings, linked to the specific agenda item for which the staff report was prepared.

The bill would require the commission, no later than December 1, 2007, to report to the Legislature on the efficacy of the procedures implemented pursuant to those provisions with respect to ex parte communications, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 30324 of the Public Resources Code is amended to read:

30324. (a) (1) No commission member, nor any interested person, shall conduct an ex parte communication unless the commission member fully discloses and makes public the ex parte communication by providing a complete, comprehensive electronic report of the communication to the executive director within three days after the communication. If the communication occurs at or within three days before the commission hearing at which the item will be heard, the content of the communication shall be orally disclosed, in full, on the record of the proceeding at the beginning of the public hearing on that item.

(2) Within three days after the close of a hearing, a member shall provide to the executive director a full electronic report of an ex parte communication received at the hearing or within three days before the hearing. The report shall be posted on the commission's Internet Web site, within two weeks after the close of the hearing.

(b) The commission shall adopt standard disclosure forms for reporting an ex parte communication which shall include, but not be limited to, all of the following information:

(1) The date, time, and location of the communication.

(2) The identity of the person initiating the communication, the person on whose behalf the communication is being made, and the person receiving the communication.

(3) A complete, comprehensive description of the content of the ex parte communication.

(4) A description of any written materials that were part of the communication, and the location where the materials can be found.

(c) (1) On or before October 1, 2006, the commission shall develop and adopt a guidance policy for commissioners that describes the meaning of “complete, comprehensive description of the content of the ex parte communication,” as used in paragraph (3) of subdivision (b). The guidance policy shall provide for, as appropriate, the inclusion of any other information on the disclosure form developed pursuant to subdivision (b) that is needed to fully inform the commissioners and the public with regard to the content and context of the ex parte communication.

(2) The guidance policy prepared pursuant to this subdivision shall be exempt from review by the Office of Administrative Law and from any other requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) (1) The executive director shall place in the public record all reports of ex parte communications, including all completed ex parte disclosure forms, as addenda to the electronic and hard copy staff reports for agenda items concerning which ex parte communications took place.

(2) No later than January 1, 2007, the commission shall ensure that all staff reports and addenda prepared for public hearings be posted on the commission’s Internet Web site in advance of the hearing, linked to the specific agenda item for which the staff report was prepared.

(3) The commission’s Internet Web site shall also provide links to the disclosure forms organized by the name of the commissioner receiving the ex parte communication.

(e) Communications shall cease to be ex parte communications when fully disclosed and placed in the commission’s official record.

SEC. 2. No later than December 1, 2007, the commission shall report to the Legislature on the efficacy of the procedures

implemented pursuant to Section 30324 of the Public Resources Code with respect to ex parte communications. The report shall also include recommendations for improvements in those procedures.





Approved \_\_\_\_\_, 2005

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*Governor*